IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.
Writ Petition No. 5604 of 2007
[Dr. Prafull P. Pimpalwar Vs. Prakashchandra P. Agrawal]

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. Ramesh Darda, Advocate for the petitioner.

CORAM : A.H. JOSHI, J.

DATE : 10th December,2007.

1. Heard.

2. The petitioner-tenant has suffered the order of enhancement of rent.

3. Learned Trial Judge granted enhancement by increasing the rent from Rs.350-00 to Rs. 750-00 relying upon the evidence brought by the landlord as sought to be refuted by own testimony of the tenant.

4. The tenant is challenging worth of evidence of the witness of landlord, while nothing precluded the tenant from summoning the tenant's witnesses, whose rent shows as basis for increase.

5. The tenant is labouring under an impression that the burden to prove what was the

reasonable amount if the rent was to be increased is fastened on the tenant. This notion is not based on record, since all that the Appellate Court has observed is that if the tenant wanted to dispute the enhancement, he could have even brought some more material on record in the Appellate Court. This finding of the Appellate Court cannot be construed to fasten the burden on the tenant.

6. In these circumstances, the orders impugned are well reasoned. No interference is called for. Petition has no merit.

7. Petition is, therefore, dismissed.

Judge

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